



Substitute House Bill No. 5425

Public Act No. 10-175

AN ACT CONCERNING SPECIAL EDUCATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 10-76i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There shall be an Advisory Council for Special Education which shall advise the General Assembly, State Board of Education and the Commissioner of Education, and which shall engage in such other activities as described in this section. [Said] On and after July 1, 2010, the advisory council shall consist of the following members: (1) [Two] Eight appointed by the Commissioner of Education, (A) six of whom shall be (i) the parents of children with disabilities, provided such children are under the age of twenty-seven, or (ii) individuals with disabilities, (B) one of whom shall be an official of the Department of Education, and (C) one of whom shall be a [representative of an institution of higher education in the state that prepares teacher and related services personnel] state or local official responsible for carrying out activities under Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act, 42 USC 11431 et seq., as amended from time to time; (2) [two] one appointed by the Commissioner of Developmental Services [, one of whom] who shall be an official of the department; [and one of whom shall be a person with disabilities or a

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parent of such a person;] (3) [two] one appointed by the Commissioner of Children and Families [, one of whom] who shall be an official of the department; [and one of whom shall be a person with disabilities or a parent or foster parent of such a person;] (4) one appointed by the Commissioner of Correction who shall be an official of the department; (5) [four] five who are members of the General Assembly who shall serve as nonvoting members of the advisory council, one appointed by the speaker of the House of Representatives, one appointed by the majority leader of the House of Representatives, one appointed by the minority leader of the House of Representatives, one appointed by the president pro tempore of the Senate and one appointed by the minority leader of the Senate; (6) [three] one appointed by the president pro tempore of the Senate [, one of whom shall be a member of the Connecticut Association of Boards of Education, one of whom shall be a member of the Connecticut Speech-Language-Hearing Association and one of whom shall be a person with disabilities or the parent of such a person] who shall be a representative of an institution of higher education in the state that prepares special education and related services personnel; (7) [two] one appointed by the majority leader of the Senate [one of whom shall be a person with disabilities or the parent of such a person and one of whom shall be a regular education teacher] who shall be a public school teacher; (8) [four] one appointed by the minority leader of the Senate [, one of whom] who shall be a representative of a vocational, community or business organization concerned with the provision of transitional services to children with disabilities; [, one of whom shall be a member of the Connecticut Association of Private Special Education Facilities and two of whom shall be persons with disabilities or the parents of such persons;] (9) [three] one appointed by the speaker of the House of Representatives [, one of whom] who shall be a member of the Connecticut [Association of School Administrators and] Council of Special Education Administrators and who is a local education official; [, one of whom shall be a person with disabilities or the parent of such

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a person and one of whom shall be a member of the literacy coalition and a person with disabilities or the parent of such a person;] (10) [two] one appointed by the majority leader of the House of Representatives [, one of whom] who shall be [a person working in the field of special-education-related services and one of whom shall be a person with disabilities or the parent of such a person] a representative of charter schools; (11) [four] one appointed by the minority leader of the House of Representatives [, two of whom shall be persons with disabilities or the parents of such persons, one of whom shall be a member of the Connecticut Association of Pupil Personnel Administrators and an administrator of a program for children who require special education, and one of whom shall be a special education teacher; (12) eight] who shall be a member of the Connecticut Association of Private Special Education Facilities; (12) one appointed by the Chief Court Administrator of the Judicial Department who shall be an official of such department responsible for the provision of services to adjudicated children and youth; (13) seven appointed by the Governor, all of whom shall be [persons with disabilities or parents of such persons and one of whom shall also be associated with a charter school] (A) the parents of children with disabilities, provided such children are under the age of twenty-seven, or (B) individuals with disabilities; and [(13)] (14) such other members as required by the Individuals with Disabilities Education Act, 20 USC 1400 et seq., as amended from time to time, appointed by the Commissioner of Education. Appointments made pursuant to the provisions of this section shall be representative of the ethnic and racial diversity of, and the types of disabilities found in, the state population. The terms of the [present] members of the council serving on the effective date of this section shall expire on June 30, [1998] 2010. Appointments shall be made to the council by July 1, [1998] 2010. Members shall serve two-year terms, except that members appointed pursuant to subdivisions (1) to [(4)] (3), inclusive, [and (12)] of this subsection whose terms commenced July 1, [1998] 2010, shall serve

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three-year terms and the successors to such members appointed pursuant to [said] subdivisions (1) to (3), inclusive, of this subsection shall serve two-year terms.

(b) [Said] The advisory council shall elect annually its own chairperson and other officers as deemed necessary. The council shall meet at least once during each calendar quarter and at such other times as the chairperson deems necessary or upon the request of a majority of members in office. The State Board of Education shall meet at least annually with the council to review the state plan for the provision of special education. A majority of the members in office, but not less than ten, shall constitute a quorum. Any member who fails to attend fifty per cent of all meetings held during any calendar year shall be deemed to have resigned from office. The member appointed by the Commissioner of Education who is an official of the department shall meet with and act as secretary to the advisory council. Members of the advisory council shall serve without compensation, but shall be reimbursed for all reasonable expenses incurred in the performance of their duties. The Department of Education shall provide secretarial and administrative assistance to facilitate the activity of the advisory council. The Department of Higher Education shall appoint a liaison person to the advisory council.

(c) The advisory council shall: (1) Advise the Department of Education of unmet needs in educating children with disabilities and on the administration of the provisions of sections 10-94f to 10-94k, inclusive; (2) review periodically the laws, regulations, standards and guidelines pertaining to special education and recommend to the General Assembly and the State Board of Education any changes which it finds necessary; (3) comment on any new or revised regulations, standards and guidelines proposed for issuance; (4) participate with the State Board of Education in the development of any state eligibility documents for provision of special education; (5)

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comment publicly on any procedures necessary for distributing federal funds received pursuant to the Individuals with Disabilities Education Act, 20 USC 1400 et seq., as from time to time amended; (6) assist the Department of Education in developing and reporting such data and evaluations as may be conducted pursuant to the provisions of said act; (7) report to the General Assembly not later than January fifteenth in the odd-numbered years and not later than February fifteenth in the even-numbered years, concerning recommendations for effecting changes in the special education laws; and (8) perform any other activity that is required by the Individuals with Disabilities Education Act, 20 USC 1400, et seq., as from time to time amended.

Sec. 2. (NEW) (*Effective July 1, 2010*) (a) On and after July 1, 2012, a local or regional board of education that is responsible for providing special education and related services to a child, pursuant to section 10-76a of the general statutes, shall provide applied behavior analysis services to any such child with autism spectrum disorder if the individualized education plan or plan pursuant to Section 504 of the Rehabilitation Act of 1973 requires such services. (1) Such services shall be provided by a person who is, subject to the provisions of subsection (b) of this section, (A) licensed by the Department of Public Health or certified by the Department of Education and such services are within the scope of practice of such license or certificate, or (B) certified by the Behavior Analyst Certification Board as a behavior analyst or assistant behavior analyst, provided such assistant behavior analyst is working under the supervision of a certified behavior analyst. (2) A teacher or paraprofessional may implement the individualized education plan or plan pursuant to Section 504 of the Rehabilitation Act of 1973 providing for such applied behavior analysis services, provided such teacher or paraprofessional is under the supervision of a person described in subdivision (1) of this subsection. For purposes of this section, "applied behavior analysis" means the design, implementation and evaluation of environmental modifications, using behavioral

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stimuli and consequences, including the use of direct observation, measurement and functional analysis of the relationship between the environment and behavior, to produce socially significant improvement in human behavior.

(b) If the Commissioner of Education determines that there are insufficient certified or licensed personnel available to provide applied behavior analysis services in accordance with the provisions of subsection (a) of this section, the commissioner may authorize the provision of such services by persons who: (1) Hold a bachelor's degree in a related field; (2) have completed (A) a minimum of nine credit hours of coursework from a course sequence approved by the Behavior Analyst Certification Board, or (B) coursework that meets the eligibility requirement to sit for the board certified behavior analyst examination; and (3) are supervised by a board certified behavior analyst.

(c) Nothing in this section shall be construed to require the inclusion of applied behavior analysis services in an individualized education plan or plan pursuant to Section 504 of the Rehabilitation Act of 1973.